IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

WP(C).No. 33134 of 2006(T)

PETITIONER:

KESAVAN, S/O.VALYAKOCHU,
RESIDING AT PLAPPALLIN VEEDU,
PAZHAYAVIDUTHY, RAJAKKADU, UDUMBUCHOLA,
IDUKKI.

BY ADV. SRI.T.RAJASEKHARAN NAIR
SRI.RAJESH P.NAIR

RESPONDENTS:

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1. THE RAJAKKADU GRAMA PANCHAYATH,
REP. BY ITS SECRETARY,
OFFICE OF THE RAJAKKADU GRAMA PANCHAYATH,
RAJAKKADU, UDUMBUMCHOLA TALUK,
IDUKKI DISTRICT.

2. THE HEALTH INSPECTOR,
COMMUNITY HEALTH CENTRE,
RAJAKKADU, UDUMBANCHOLA.

3. SUKUMARAN,
RESIDING AT CHAVARANANICKAL VEEDU,
PAZHAYAVIDUTHY, RAJAKKADU, UDUMBANCHOLA,
IDUKKI.

ADDL.4. POLLUTION CONTROL BOARD, IDUKKI DISTRICT,
REPRESENTED BY ITS SENIOR ENVIRONMENTAL ENGINEER
(ADDL.R4 IS IMPLEADED AS PER ORDER DATED 15/12/2006 IN I.A.NO.17481/06)

BY ADV. SRI.M.K.CHANDRA MOHANDAS,SC,POLL.C.BOAR
GOVERNMENT PLEADER SRI.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC NO.33134 OF 2006

PETITIONER'S EXHIBITS:

EXT.P1:- THE TRUE COPY OF THE COMPLAINT DATED 17/10/2006 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

EXT.P2:- THE TRUE PHOTOCOPY OF THE REPORT SUBMITTED BY THE SECOND RESPONDENT BEFORE THE FIRST RESPONDENT.

EXT.P3:- THE TRUE PHOTOCOPY OF THE REPRESENTATION DATED 17/11/2006 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

[TRUE COPY]

PIUS C.KURIAKOSE, J.

W.P.(C)NO.33134 of 2006

Dated this 9th day of February, 2007

JUDGMENT

The petitioner complains that the 3rd respondent is conducting a pig farm without any licence from the local authority – the first respondent Panchayat and much less any consent from the additional 4th respondent – Pollution Control Board. Even though the respondent Panchayat and the 3rd respondent were served with notice sufficiently early, they have not come forward to resist the averments in the writ petition. In spite of grant of about two months, the Standing Counsel for the Pollution Control Board is not able to get any instructions in the matter from the Board. The averments in the writ petition stands established by non traverse. Under these circumstances this writ petition will stand allowed issuing the following directions:

The 3rd respondent shall not conduct any pig farm within the area of the first respondent Panchayat unless he is having a

current valid licence issued by the first respondent Panchayat.

PIUS C.KURIAKOSE
Judge

dpk